



PATENT
Docket No.: **CLV-30880/ACGV2112**
Cust. No. 31781

JAC

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Martha Martin Martha Martin September 11, 2007
Type or print name Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
Hirt, et al
APPLICATION NO: **09/525,158**
FILED: **March 14, 2000**
FOR: **Organic Compounds**

Examiner:
Kuo-Liang Peng
Art Unit: **1712**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

RECEIVED
SEP 18 2007
11/14/2008 CKHLOK 00000009 502965 09525158
01 FC:1501 14000000
OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. §1.137(B)
TO REVIVE APPLICATION ABODONNED UNINTENTIONALLY

Dear Sir:

This is a petition to revive the subject application abandoned unintentionally in accordance with 37 C.F.R. §1.137(b). The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 states that Applicants failed to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

Applicants hereby authorize payment of the petition fee of \$1500 and other necessary fees by debit of their Deposit Account No. 50-2965 in accordance with 37 C.F.R. §1.17(m).

11/14/2008 CKHLOK 00000009 502965 09525158
01 FC:1501 14000000
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Applicants hereby authorize payment of the issue fee by debit of their Deposit Account 50-2965 without the issue fee authorization form PTOL 85 B, because Applicants have not received the Notice of Allowance and this form. Alternatively, Applicants respectfully request that a new Notice of Allowance with Form PTOL 85B be re-issued so that Applicant can pay the issue fee.

Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

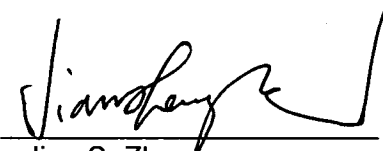
The entire delay in paying the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional. The failure to pay the issue fee was discovered on April 25, 2002, when Applicants received the Notice of Abandonment dated April 5, 2002. After having received the Notice of Abandonment dated April 5, 2002, Applicants filed the Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a), copy of which is attached herewith along with the Return-Receipt Post Card with US PTO stamp of date of May 28, 2002 as well as the petition's supporting documents (a copy (2 pages) of the docket record showing all received Office Actions and replies filed by Applicants' representative; email communication concerning non-receipt of the Notice of Allowance; and a statement of non-receipt of the Notice of Allowance from Jian Zhou, Applicants' representative). However, up to today, Applicants have not received yet the Decision on the Petition dated May 10, 2002. In order to expedite the petition process and issuance of the subject application, Applicants respectfully submit this petition to revive the subject application in accordance with 37 C.F.R. §1.137(b). Applicants submit that the failure to pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional, because Applicants have not received the Notice of Allowance and because Applicants timely filed a petition to withdraw holding of abandonment pursuant to 37 C.F.R. §1.181(a) on May 10, 2002.

Applicants respectfully request that this Petition to revive be granted.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. The Commissioner is hereby authorized to charge any other

fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: Sept. 11, 2007

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080





PATENT
Docket No.: CLV-30880/ACGV2112
Cust. No. 001095

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

<u>Jennifer China</u> Type or print name	<u>Jennifer China</u> Signature	<u>May 10, 2007</u> Date
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
Hirt, et al
APPLICATION NO: 09/525,158
FILED: **March 14, 2000**
FOR: **Organic Compounds**

Examiner:
Kuo-Liang Peng
Art Unit: **1712**

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Assistant Commissioner for Patents
Box DAC, Attn.: Art Unit 1712
Washington, D.C. 20231

COPY SENT TO BASLE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR §1.181(A)

Sir:

The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 has been received. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

The present application was held to be abandoned by the Examiner for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. However, Applicants' representative did not receive the Notice of Allowance. A search of the file jacket and docket records indicates that the Notice of Allowance was not received. A copy (2 pages) of the docket record

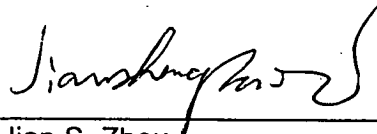
showing all received Office Actions and replies filed by Applicants' representative is enclosed herewith as documentary proof of nonreceipt of the Notice of Allowance. A statement of nonreceipt of the Notice of Allowance from Jian Zhou, Applicants' representative, is enclosed herewith pursuant to MPEP §711.03(c)II.

Therefore, Applicants submit that the holding of abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance is improper and respectfully request that it be withdrawn and A Notice of Allowance be remailed.

CONCLUSION

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: May 10, 2002

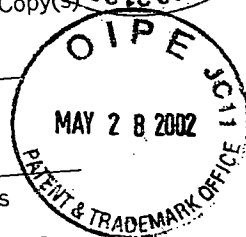
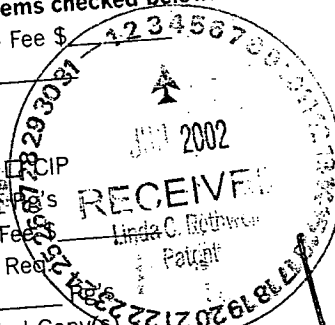
Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
Summit, NJ 07901



Case No. CLIV-30880, 116V2112
Application No. 091525 158
Mailing Date: May 10, 2002
Due Date: June 5, 2002

Express Mail No.: _____
The Patent & Trademark Office acknowledges, and has stamped
hereon the date of receipt of the items checked below:

- ☐ Amendment/Response/Letter - Fee \$ _____
☐ Appln. Filing Papers - Fee \$ _____
 ☐ PCT National Stage
 ☐ Provisional Application
 ☐ CPA ☐ DIV ☐ CONT ☐ CIP
☐ Specifications _____
☐ Executed/Unexecuted Decl. - Fee \$ _____
 ☐ Missing Parts/Missing Rec. _____
☐ Preliminary Amendment _____
☐ Claim of Priority ☐ Certified Copy(s) _____
☐ Amendment After Final _____
☐ Notice of Appeal - Fee \$ _____
☐ Appeal Brief - Fee \$ _____
☐ Issue Fee Payment \$ _____
☐ Assignment Rec. Req. - Fee \$ _____
☐ Formal Drawings _____ Pg's
☐ IDS _____ Pg's - Fee \$ _____
☐ PTO-1449 Form _____ Pg's
☐ Pet. for Ext. of Time - Fee \$ _____
☐ Pet. to Convert to Prov. Appln. - Fee \$ _____
☐ Seq. Listings _____ Pg's/Seq. Disk



357 ☒ Petition to Withdraw HOLDING
OF ABANDONMENT
Initials

82972/99A

Action Edit Block Field Record Query Window Help

PATENT DOCKET MANAGEMENT SYSTEM 05/07/2002
DOKD0030 CASE DOCKET & HISTORY 10:00:25

PEX DY CASE No. (s) LINEAGE CGC No. ATTORNEY
 CL V 30880/A CGV 2112 ZHOUJI1
 SERIAL No: 09/525,158 STATUS: PENDING JZ FAMILY
 DATE FILED: 03/14/2000 EFF DATE: 03/14/2000 UK CASE: 15764

Debit To

☒ BA
☐ US
☐ NA

DATE ABAN: A?Y

ATTORNEY DATE PTO ACTION/ATTORNEY RESPONSE

ATTORNEY	DATE	PTO	CODE	DESCRIPTION	EXPENSE	DATE DEBITED
ZHOUJI1	04/05/2002	ABNO		NOTICE OF ABANDONMENT		
JZ	06/05/2002	RESP		RESPONSE		
ATTORNEY						
ZHOUJI1	06/21/2001	NONA		NOTICE OF NON-COMPLIANT AME		
JZ	07/21/2001	RESP		RESPONSE		
JZ	07/03/2001	RESP		RESPONSE		
ATTORNEY						
GORMARO	03/12/2001	O.A.		OFFICE ACTION		
RJG	06/12/2001	RESP		RESPONSE		
RJG	06/08/2001	RESP		RESPONSE		
ATTORNEY						
GORMARO	06/21/2000	FREC		FILING RECEIPT		
RJG						
RJG						

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PATENT DOCKET MANAGEMENT SYSTEM
 DOKD0030 CASE DOCKET & HISTORY

05/07/2002

10:00:25

PEX DV CASE No. (s) LINEAGE CGC No. ATTORNEY
 CL V 30880/A CGV 2112 ZHOUJI1
 SERIAL No: 09/525,158 STATUS: PENDING JZ FAMILY
 DATE FILED: 03/14/2000 EFF DATE: 03/14/2000 UK CASE: 15764

Debit To

☐ BA
☐ US
☐ NA

DATE ABAN:

A?Y

PTO ACTION/ATTORNEY RESPONSE

ATTORNEY	DATE	Y CODE	DESCRIPTION	EXPENSE	DATE DEBITED
GORMARO	PTO: 05/16/2000	<input type="checkbox"/> MSPT	MISSING PARTS		
RJG	<input checked="" type="checkbox"/> CASE DUE: 07/16/2000	<input type="checkbox"/> SUSP	SUBMIT SIGNED DECLARATION		
	TYPE: RESP: 06/07/2000	<input type="checkbox"/> SUDE	SUBMITTED DECLARATION	130.00	07/20/2000
GORMARO	PTO: 03/24/2000	<input checked="" type="checkbox"/> RECC	RECEIPT CARD		
RJG	<input checked="" type="checkbox"/> CASE DUE: 06/14/2000	<input checked="" type="checkbox"/> PAS3	PRIOR ART (3 MOS)		
	TYPE: RESP: 08/30/2000	<input checked="" type="checkbox"/> IDST	INFORMATION DISC/STATEMENT		
GORMARO	PTO: 02/25/2000	<input type="checkbox"/> NBAA	NEW BASLE APPLICATION		
RJG	<input checked="" type="checkbox"/> CASE DUE: 03/30/2000	<input type="checkbox"/> FNBA	FILE NEW BASLE APPLICATION		
	TYPE: RESP: 03/14/2000	<input type="checkbox"/> FNBA	FILE NEW BASLE APPLICATION	760.00	04/20/2000
GORMARO	PTO: 02/25/2000	<input checked="" type="checkbox"/> UNDA	UNSIGNED DECLARATION/ASSIGN		
RJG	<input checked="" type="checkbox"/> CASE DUE:	<input checked="" type="checkbox"/>			
	TYPE: RESP: 03/14/2000	<input checked="" type="checkbox"/> UNDE	UNSIGNED DECLARATION		

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Linda Rothwell

05/07/2002 10:16 AM



To: jian.zhou@cibavision.novartis.com @ N1
cc: jennifer.china@cibavision.novartis.com@N1
Subject: Re: Help

I will fax it to you now and send the hard copy overnight in case the fax copy is hard to read.

Linda
jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM



jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM

To: Linda Rothwell/PH/Novartis@PH
cc: jennifer.china@cibavision.novartis.com
Subject: Help

Linda,

We need your help regarding Case CL/V-30880/A/CGV2112.

Thank you for forwarding the Notice of Abandonment for the above-referenced case with your short note. Since we never received the Notice of Allowance for this case, we can file a no-fee petition to request withdraw holding of abandonment pursuant to MPEP 711.03(c)(II). However, we need a showing to establish non-receipt of an Office Action, namely, a copy of the docket record where the non-received Office Communication would have been entered had it been received and docketed. Could you please provide a print-out of the docket record solely for this case CL/V-30880/A/CGV/2112? Thank you for your help.

Best regards,

Jian

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Jennifer China
Type or print name

Jennifer China
Signature

5/10/02
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

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Examiner:

Kuo-Liang Peng

Art Unit: 1712

Assistant Commissioner for Patents

Box DAC, Attn.: Art Unit 1712

Washington, D.C. 20231

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STATEMENT OF JIAN S. ZHOU

I, Jian S. Zhou, state that I did not receive the Notice of Allowance and attest that a search of the file jacket and docket records indicates that the Notice of Allowance was not received.

Respectfully submitted,

Jian S. Zhou
Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: May 10, 2002

Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
Summit, NJ 07901